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REVIEW OF SECTORAL CLUSTERS: PROTECTION OF THE ATMOSPHERE AND PROTECTION OF THE OCEANS AND ALL KINDS OF SEAS

Draft decision submitted by the Chairman

Implementation of international fishery instruments

1. The Commission on Sustainable Development notes with concern that significant fish stocks are depleted or overexploited, and considers that urgent corrective action is needed to rebuild depleted fish stocks and to ensure the sustainable use of all fish stocks. The Commission therefore welcomes the major steps that have been made towards fulfilling the goals of Agenda 21 as a result of the entry into force of the United Nations Convention on the Law of the Sea in November 1994 and the adoption of two agreements:

(a) The Agreement to Promote Compliance with International Conservation and Management Measures by Vessels Fishing in the High Seas (1993);

(b) The Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1995);

and the voluntary instrument:

(c) The Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations (1995).

2. The Commission also welcomes the successful adoption, in 1995, of the following:

(a) The Rome Consensus on World Fisheries of the FAO Ministerial Meeting on Fisheries (Rome, March);

(b) General Assembly resolutions 50/23, 50/24 and 50/25 relating to the law of the sea and the sustainable use and conservation of marine living resources;

(c) The Jakarta Mandate on the Conservation and Sustainable Use of Marine and Coastal Biological Diversity (decision II/10 of the second session of the Conference of the Parties to the Convention on Biological Diversity), adopted in November;

(d) The Kyoto Declaration and Plan of Action on the Sustainable Contribution of Fisheries to Food Security (Kyoto, December).

3. The Commission recalls Agenda 21, according to which the ability of developing countries to fulfil the objectives of chapter 17, programme area D is dependent upon their capabilities, including the financial, scientific and technological means at their disposal. Adequate financial, scientific and technological cooperation should be provided to support actions by them to implement these objectives, as well as the provisions of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1995) and the FAO Code of Conduct for Responsible Fisheries (1995).

4. The Commission agrees that sustainable world fisheries, including aquaculture, contribute significantly to the food supply and to achieving social, economic and development goals. The Commission stresses the importance of effective conservation and management of fish stocks and to this end recommends implementing the recently adopted international instruments in order to:

(a) Prevent or eliminate overfishing and excess fishing capacity;

(b) Apply the precautionary approach as referred to in the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and the FAO Code of Conduct for Responsible Fisheries;

(c) Rebuild fish stocks throughout their entire range of distribution and protect vital habitats;

(d) Strengthen/create regional and subregional fisheries management organizations and arrangements in accordance with the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and the FAO Code of Conduct for Responsible Fisheries;

(e) Strengthen fishery research and increase cooperation in this field;

(f) Promote environmentally sound fisheries technologies, prohibiting dynamiting, poisoning and other comparable destructive fishing practices;

(g) Minimize waste, discards, catch by lost or abandoned gear, catch of non-target species, both fish and non-fish species, and impacts on associated or dependent species, in particular endangered species, in accordance with the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and the FAO Code of Conduct for Responsible Fisheries;

(h) Protect fisheries from harmful sea- and land-based activities;

(i) Deter, in accordance with the instruments referred to in paragraph 1 above and international law, the activities of vessels flying the flag of non-members or non-participants which engage in activities which undermine the effectiveness of subregional or regional conservation and management measures;

(j) Increase efforts to ensure full compliance with applicable conservation and management measures;

(k) Increase consultations among all local parties affected by fishery management decisions;

(l) Avoid adverse impacts on small-scale and artisanal fisheries consistent with the sustainable management of fish stocks, while protecting the rights of fishers, including subsistence, small-scale and artisanal fishers.

5. The Commission notes that the FAO Code of Conduct for Responsible Fisheries, in paragraph 6.14, states that international trade in fish and fishery products should be conducted in accordance with the principles, rights and obligations established in the World Trade Organization Agreement and other relevant international agreements. States should ensure that their policies, programmes and practices related to trade in fish and fishery products do not result in obstacles to this trade, environmental degradation or negative social, including nutritional, impacts.

6. The Commission recommends that in the preparations for the World Food Summit, the crucial contribution of sustainably managed fisheries should be taken into consideration.

7. The Commission further recommends that States and entities that have not yet done so should be called upon to sign/ratify/implement and promote awareness and understanding of the instruments referred to in paragraph 1 (a) to (c) above.

8. The Commission also recommends that FAO, as the competent specialized agency for fisheries, should be invited to prepare a report, based on information provided by its member States, on the actions listed above and, more generally, on progress made in improving the sustainability of fisheries, for consideration by the FAO Committee on Fisheries and for submission to the Secretary-General of the United Nations. Such a report would be relevant to the review of ocean issues recommended by the Commission in its decision ____.